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237 ISSUES OF THE REBELLION.

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S P E E C H

OF

HON. S. C. FESSENDEN,

OF MAINE.

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Feb 1, 1862
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Delivered in the House of Representatives, January 20, 1862.



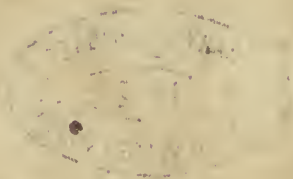
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SPEECH.

Mr. FESSENDEN said:

Mr. CHAIRMAN: It is obvious, if it were not for that wheel in the machinery of "rules" of this body, which, in its revolutions, occasionally resolves the House into the "Committee of the Whole on the state of the Union," not all would be said that might be as to measures in relation to which, whether adopted or rejected by the Congress of the United States, no member should be refused the opportunity of expressing his views. I avail myself of "the hour," and propose to speak of the rebellion in the aspect in which it presents itself to my constituents.

With whatever thoroughness and consummate ability the questions for which the rebellion has given occasion have been discussed here, and I am confident there has been no deficiency in this respect on either side, it is by no means to exclude, I trust, any member from availing himself of the right to be heard, in the performance of his duty to speak, as the proper medium through which his constituents are represented, and I hold it to be my duty to represent what I understand to be the will of my constituents. I am theirs to serve in this regard in this Hall—a service which I cannot conscientiously render them and my country only as I bring to the consideration of every measure all the mental faculties I possess, and then act upon these measures in view of my responsibility to my country and my God.

What I understand to be the will of my constituents is, that this wicked rebellion should be put down. That this Government should, as speedily as possible, bring to bear upon it its gigantic power for its utter extinguishment and extirpation, and so effectually that, when the work is done, it shall be as utterly impossible for it so much as to breathe again, as it is impossible for this rebellion to-day to give breath again to the slain, whose blood it has caused less, wickedly shed.

My constituents are loyalists. They hold to the subordination of State to Federal authority—the unconditional support by the States of the Federal Government within the limits of its constitutional powers. They maintain that, with secession in its final form, a rebellion

backed by an army, we will not, cannot compromise. That the only conditions, on the part of the States here represented, on which this contest can be terminated, are: that the rebel States lay down their arms, dissolve their pseudo confederacy, restore the national property which they have feloniously seized, and give up the leaders in this rebellion to merited punishment. That they do this *unconditionally*, without any proviso for the perpetuity of slavery. Sir, my constituents are not for endeavoring to allure the rebel States by saying to them, if you will but desist and return you may come with your bosom institution, with the hope on your part, and the expectation on ours, that it will be so disemboweled of its hideous heart and nature, so improved and strengthened, as to be forever hereafter regarded as a beautiful polished stone in our national fabric. No, sir; they know that this would be to seek to allure their return with a lie in reservation; with as base a lie as ever fell from mortal lips, so flagrant and so barefaced that Lucifer himself would blush to have them utter it.

My constituents have not, in so brief a period, forgotten the words of "honest" Abraham Lincoln—and honest I believe him to be—of whom they were told he would never forget his own words, nor would one act of his Administration be inconsistent with their truthfulness, come what might—"A house divided against itself cannot stand."

"I believe this Government cannot endure *permanently* half slave and half free. I do not expect the Union to be dissolved; I do not expect the house to fall; but I expect it will cease to be divided. It will become all one thing or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction, or its advocates will push it forward till it shall become alike lawful in all the States, old as well as new, North as well as South."

And again:

"I believe this Government has endured half slave and half free, because during all that time—eighty-two years—until the introduction of the Nebraska bill, the public mind did rest in the belief that slavery was in the course of ultimate extinction."

I would to Heaven that during the hours of this debate, these words of an honest man and a true patriot, who spoke what he meant, and

meant as he spoke, were written in letters of fire on the four walls of this Council Chamber! And then, lest some veil of cotton or gold or national expediency should intervene to avert the eye from such a spectacle, I would that every occupant of these listening galleries were God's swift prophetic ministers to cry continually, "Your legislation must be in agreement with these words, or lehabod! will be your nation's doom and epitaph!"

Sir, but a very, very brief period has elapsed since the 17th of June, 1858. If then it had become so perfectly demonstrable to the far-seeing eye of the statesman, now President of the United States, that this Government could not permanently endure half slave and half free, that he could say "I believe it"—is it less so now?

If then it was his belief that the reason why this Government had endured half slave and half free was, because during all that time—eighty-two years—until the introduction of the Nebraska bill, the public mind *did* rest in the belief that slavery was in the course of ultimate extinction—ought it to be the less his belief now? When he came to Washington to take his place in the presidential chair, he said he would suffer death rather than yield the principles on which he was elected. He fearlessly taught the great truth of the "irrepressible conflict" on the prairies of Illinois. Is the conflict less irrepressible now than then?

The public mind resting in the belief that slavery was in the course of ultimate extinction the Constitution and the Union have been sustained. Sir, there is a question of the utmost significance in respect to this conflict, which, as it seems to me, we cannot wisely refuse to consider. If every rebel State could be brought back to-day, of what avail would it be if this Government cannot endure *permanently* half slave and half free?

In Secretary Seward's letter to Mr. Dayton, (Papers Relating to Foreign Affairs, page 182,) I read:

"The condition of slavery in the several States will remain just the same, whether it (the revolution) succeed or fail. There is not even a pretext for the complaint that the disaffected States are to be conquered by the United States if the revolution fail; for the rights of the States and the condition of every human being in them will remain subject to exactly the same laws and forms of administration, whether the revolution shall succeed or whether it shall fail. In the one case, the States would be federally connected with the new Confederacy; in the other they would, as now, be members of the United States; but their constitutions and laws, customs, habits, and institutions, in either case will remain the same."

"Words," said a distinguished diplomatist, a few days before his withdrawal from the palace to the tomb—"words were given to conceal, not to express thought." Not so in this instance at least. There is no circumlocution in this language. No attempt to conceal by phraseology of doubtful meaning that which it was intended to enunciate. Let no one of that class of men who are continually taunting us in this world, where "circumstances alter cases," with the explanation that "consistency is a jewel," allege that there is any inconsistency between the language of Secretary Seward to the minister of the United

States, in France, and Governor Seward of New York, who, in declining to comply with a requisition of the Governor of Virginia for the rendition of three men who had abducted a slave from Virginia, said:

"I remain of opinion that a being possessed of physical, moral, and intellectual faculties common to the human race, cannot, by force of any constitution or laws, be goods or chattles, or a thing."

I admit it would seem as if—

"Men change with fortune—manners change with climes, Tenets with books, and principles with times."

No, sir! The eternal principles of right and of righteous Governments do not change with "the times," nor by the lapse of time. *Quod ab initio non valet, tractu temporis convalescere non potest*—that which had no force in the beginning can gain no strength from the lapse of time. A claim or title, originally defective, cannot derive any additional weight from prescription.

Is it not the philosophy of history, though we may ignore it, that all the Governments of the world have approached stability just in proportion as they have settled down in the principles of right; and that "the nation which overrides justice and humanity is ever spawning the seeds of its own destruction?"

But slavery as it was and is, is to remain, whether the loyal States are successful or unsuccessful in this war for the defence of the Constitution and the Union. Those laws and customs and habits of slavery under which, in the year preceeding President Lincoln's inauguration, seven hundred and twenty-three men from the North were treated with brutal violence at the South; between forty and fifty were murdered; many were tarred and feathered, or cruelly whipped; many were imprisoned and robbed of their money and clothing, and no local authorities interfered for their protection. Laws and customs which would as effectually exclude millions of men in the North and West from the South, who are prosecuting this war, as though there were no South; constitutions which, if they are to remain, leave not one particle of advantage gained by the free States over causes which induced the South to separate, but with these causes still existing in full force, having been strengthened, and not in the least weakened with a people who look at all times with contemptuous astonishment on those who—I quote the words of Mr. Leigh in the Virginia convention of 1829—

"Depend on their daily labor for their daily subsistence, can never enter into political affairs; never do, never will, never can."

If this be so—if such is to be the result of this war in case the rebellion does not succeed, then this Government will have inherent in it, as it has hitherto, the elements of its destruction. Certainly, the public mind North, in this event, could no longer rest in the belief that slavery is in the course of ultimate extinction. How could it so much as reach forward to this belief? Or, if to this belief it could attain, how could it possibly rest in it, since the battles would have been fought, the victories won, at such a sacrifice of treasure and life as could not be estimated by

any rule of human computation; and still [the Union restored, the disaffected States brought back with their constitutions and laws, customs, habits, and institutions as they existed previous to the rebellion? And the public mind South would rest in the belief—rest did I say? No, sir; as heretofore it has known no rest, but has been restless, active, aggressive, in the belief, so it would continue to be, that slavery must have extension and political recognition until it shall become alike lawful in all the States. And why not? They regard “slavery as the most safe and stable basis for republican institutions in the world;” “as the corner-stone of our republican edifice; that no human institution is more manifestly consistent with the will of God than domestic slavery.” They do not believe that this Union can permanently endure without the basis is so broad that the whole super-structure shall stand upon it. As patriots—as philanthropic Christian men who would see to it that an institution fraught with such inestimable blessings, and so manifestly consistent with the will of God, should onward move until its advantages and blessings are in the possession and enjoyment of every State—they are under the most solemn obligations to contend for it, live for it while they live, and die for it, if they must, if so be that through their instrumentality this institution may accomplish its glorious destiny, and the corner-stone of our republican edifice be immovably fixed for ever. In regard to the Cincinnati platform, Mr. Benton was reported to have said at a political ratification meeting—

“I have told you of the attempts to kill off Buchanan in the convention, under the two-thirds rule. There was another attempt of a different kind to do the same thing. It was with a platform, a patibulary structure, with a rope over the head, and a trap-door under the feet, and so contrived that if he got on it he was swung up in the North; if not, he was laid out at the South. His friends found out the game. It was determined that he should mount the platform, be it what it might.”

In 1836, Governor McDuffie said, in his message to the Legislature of South Carolina, “that within twenty-five years slavery would be extended to the Northern States.” From that day to the hour of the rebellion has that State, with its collaborators in thought and action, vigorously endeavored to bring about the fulfilment of this prediction, and thus “kill off” the North. And now the attempt has culminated in this rebellion, inasmuch as the quarter of a century has elapsed, and the prediction had not been accomplished.

By the aid of the rebellion a platform has been constructed, a patibulary structure, with a rope over the head of the loyal States and a trap-door under their feet, so that, if the States take their stand upon it, the nation is destined one day to end its existence in the North; for it is “laid out” in its robe of dissolution and decay by the South. This platform is that construction of the Constitution by which slavery is so ingeniously bolted and riveted in, that you can in no wise use it to crush the rebellion, but, on the contrary, must so make use of it as to foster and uphold it; and in the event of its being crushed,

that construction by which the constitutions and laws, customs, habits, and institutions of the now disloyal States are to remain the same as they were previous to the insurrection. The loyal States are asked to mount this platform. The rope is above. The trap-door is ready for them on which to take their stand. Shall they mount it? Is there no scheme about it which will be fatal to the North and to the Union in the end?

I do not know what answer the President of the United States in 1862 would make to this question if it were put to him. But I do know, and his countrymen must know, that Abraham Lincoln, of Illinois, would, in 1858, have said, in answer to the question, “any platform, however and by whomsoever constructed, for the perpetuity of this Government half slave and half free, must inevitably break down by force of that principle which works, it may be slowly, but surely, to its end, for its vitality is in the decrees of the Almighty. ‘A house divided against itself cannot stand.’ I refer you to my speeches in reply to Senator Douglas, in which, if there is any one proposition which I had supposed I had demonstrated, it was that this Government cannot endure permanently half slave and half free.”

Mr. Chairman, possibly we may ultimately be successful in this war without taking such measures as shall result in the abolition of slavery. Possibly we may be strong enough to do this, and leave slavery in the slave States *in statu quo ante bellum*. I do not believe, however, that we are sufficiently powerful to accomplish this object, if it be our object, because I cannot disbelieve that God has good still in store for us. But possibly, I say, we may have this power, as many have the will. But in this event, we return from victory, as did the Thracian horse, still bearing a master on his back.

When a Roman emperor put his colleague and brother to death, he requested Papinian to write him out such a defence of the deed as it might be proper for him to read before the senate. The old jurist answered, in the noblest spirit of justice, that it was a great deal easier to commit a murder than to justify it. And though the answer cost him his life ultimately, posterity has never ceased to admire the boldness and truth of that reply. We may be able to quell this rebellion, and leave slavery as it was before the war. A Papinian would tell us that this were easier done than to justify the deed in the face of a people deeply conscious that slavery is the *primum mobile* of this rebellion; that it feeds its flame continually; and that to bring it back with the States is to restore with them that condition of things under the influence of which this Government cannot endure. It may exist in name, but the name will become a deception. It will be like the Roman republic, which existed in name under the Caesars, but the reality of which had completely disappeared.

Sir, I am to be found with those who plant themselves squarely on the ground that the constitutional, legal, and providential aim of this war is to preserve and vindicate the Government of the United States. This is the aim of the war. We are agreed—do I hear from gentlemen

on the other side of the House? And so we are as to the aim of the war. But it is as to the *means* which are to be employed in carrying it forward that we differ. On the one side, it is proposed to confiscate the property of rebels, slaves included; the slaves of loyal men, to free them and compensate their owners, as included in the means by which this rebellion can be the most speedily and effectually quelled and the aim of the war accomplished. On the other, it is contended that these means ought not to be employed; that they are not adapted to meet the end proposed; that, if they were, the Republican party is pledged not to use them. But, more than all, that to make use of these means would be unconstitutional—not adapted to meet the end proposed. Then the converse of the proposition is true. To let the rebels retain their slaves, and to let loyal men retain theirs—in whatever way these slaves may be used by rebels, it matters not—is a part of the means adapted to crush the rebellion and give success to our arms. But this obviously is not true, because if they are employed to till the soil, build intrenchments, or to bear arms, they are employed in the same manner against us that the disloyal white men at the South are employed; and there would be just as much propriety in asserting that a part of the means adapted to crush the rebellion and give success to our Government should be not to take and disarm these white men, as not to take and disarm these slaves.

But is not our policy in this matter to be shaped by the clear teachings of the war? If, in prosecuting the war, we have been taught that slaves afford aid and comfort to the enemy, and no aid, but much discomfort to us, is it not the part of wisdom so to shape our policy as to deprive our enemies of so much of the sinews of their strength? No, say some; the Republican party, and the Government, without distinction of party, is pledged not to meddle with slavery. When did they make this pledge? Not when at Chicago it was resolved:

"That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political faith depends."

For this rebellion was not in existence then. When did the President give the pledge not to meddle with slavery in any way in this war? In his very last message he has told us "the Union must be preserved; and hence, all indispensable means must be employed." Suppose it should, in his judgment, constitute a part of the "indispensable means" to be employed in preserving the Union, that slavery should be attacked at every point, is he under any pledge to hold back the sword? On the contrary, are not these very words his pledge to use the sword for the extinction of slavery, if, in his judgment, such use of it is indispensable for the preservation of the Union?

Was the passage of the Crittenden resolutions a pledge that we would, in no event, interfere with slavery? The resolutions declare:

"That this war is not waged upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution, and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired: that, as soon as these objects are accomplished, the war ought to cease."

This resolution is both negative and positive in declaring the object, the purpose of the war, and must be so interpreted as to have all its parts agree, or it is valueless.

If the construction you put on a part of these resolutions makes another part of them null and void, your construction cannot stand. If gentlemen so construe the phraseology, "this war is not waged upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States," in such manner as to restrict the Government from employing such constitutional means as it may deem necessary, be these constitutional means what they may, "to defend and maintain the supremacy of the Constitution, and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired," their construction must be erroneous.

The question, after all, is in the point, well made—are the means which it is proposed to employ, and especially so far as the use that is to be made of slaves and slavery—"to defend and maintain the supremacy of the Constitution and to preserve the Union" constitutional?

On this question there is, and must of necessity be, a difference of opinion. Who shall decide where doctors of the law disagree? As to Government and legislators, when the duty is forced upon them, as it is, they *must* decide, each man for himself, notwithstanding doctors of the law disagree. I know of no other course.

I do not propose to discuss the question as to the constitutionality of these measures. Discussed as it has been and will be by able legal gentlemen on the floor of this House, we shall get all the light we can have upon it, without any exhibition of my want of good taste in endeavoring to augment this light. But, sir, my point still is—it must be clearly shown that the means proposed are unconstitutional before it can be made to appear that they are not to be employed to defend and maintain the supremacy of the Constitution and to preserve the Union. It is the remark of an eminent jurist:

"The history of man does not present a more illustrious monument of human invention, sound political principles, and judicious combinations, than the Constitution of the United States."

Sir, I have yet to see it proved, if proved it can be, that, in its "judicious combinations," we find such prohibitions as must inhibit either the Commander-in-Chief of the army or the Congress of the United States from employing "confiscation or emancipation," if in their wisdom necessary, in prosecuting this war. And if proved, it will give additional force to the truth of the remark, that "the best constitution which can be framed, with the most anxious deliberation that can be bestowed upon it, may, in practice, be

found imperfect and inadequate to the true interests of society."

Sir, I listened with pleasure to the speech of the honorable gentleman from Kentucky, [Mr. WADSWORTH,] because "it was the other side of this question" most ably and candidly and eloquently discussed. Although he did not show, in my humble opinion, that the position of my honorable friend from Ohio, [Mr. BINGHAM,] in regard to the power of Congress relative to this whole subject-matter of slavery in prosecuting the war, was unsound, he was eminently successful in setting forth his views, and what I understand to be the position of all the slave States. For this I thank him. He did not hesitate to declare that, "if you are for the emancipation of the slaves, you arm each man in those States against you." "You must choose between negro slavery or the white people of fifteen States in opposition to you." Yes, sir; here are the terms; let the North not mistake with respect to them. If it does, it will not be the fault of my honorable friend from Kentucky.

But pray, sir, let me ask, is not this as much conditional support of the Government and conditional support of the war, on the part of this gentleman, and those for whom he speaks, as it is conditional support of the Government and the war, on the part of the honorable gentleman from Kansas, [Mr. CONWAY,] or the honorable gentleman from Massachusetts, [Mr. ELIOT,] and those for whom they speak, when the one declares that "he will not vote another man or another dollar for this war unless it is made a war against slavery," and the other, "that there should be no restoration of this Union with slavery in it." This language I quote from the speech of the honorable gentleman from Kentucky, but I have failed to find it in the timely and able speech of the honorable gentleman from Massachusetts. Why, then, complain of conditionalism, when, in fact, it is to be found just as much with some Southern as with some Northern loyalists? Why not admit that the same error, if it be an error, belongs to each, though it mocks them in different ways. No slavery—no Union; but the white people of fifteen States in opposition to you. May we of the North not as frankly declare, no liberty for the slaves—no Union; but the people of nineteen States against you? If you are not fanatics who insist on no Union, if no slavery—then we are not fanatics who insist on no Union, if no liberty to the slaves. Or if the one is the fanaticism of slavery, and the other of universal liberty, if we must choose between them—as it seems we must—for my part I choose the fanaticism of liberty. I cannot but think, though the honorable gentleman from Kentucky will not concur with me, that sooner or later the people of the North and West will choose this fanaticism, since choose they must.

Sir, I honor the men of an idea to which they cling with the tenacity of death, as the very life of the Republic; who scorn to run with bare-headed debasement the scrub race of popularity; who take not counsel of majorities, but only of truth. These men of the Calhoun idea, that "slavery is the most safe and stable basis for

republican institutions in the world;" who cling to it as the very life of the Republic—they do not run the scrub race of popularity; they take not counsel of majorities; I cannot add, only of truth. But still I honor them for the fearlessness with which they utter their convictions; in these convictions I believe them to be conscientious. And will they not grant that we are conscientious in the idea that liberty to all, the black as well as the white man, is the life of the Republic? And in the idea of which we cannot be rid, that if slavery should be terminated by this war, it would be, in the language of Lord Brougham, of the great emancipation struggle and victory in England, "*the greatest triumph mortal man ever won over the greatest crime man ever committed?*" If you condemn us for this, let your condemnation be first of Jefferson and his compeers, who said:

"One day of American slavery is worse than a thousand years of that which we rose in arms to oppose."

Pass all along the line of departed statesmen, and select the most illustrious of their age in every land, and condemn them. If you have any anathema to pronounce, let it likewise fall on Seward and Chase and Lincoln, for they are among the living whose well-sowed seed of truth is now raising our expectations of hearing shouted, ere long, the "harvest home" of the reapers for liberty! What then? What of all this, do you ask? Why, just this, and nothing less and nothing more. Let not this contest end—it cannot terminate with principles so antagonistic living in the hearts and ever kindling the deeds of the men North and South, and a lasting Union be secured. Do not let us deceive ourselves or the people in this matter. I think Carlyle was not far from the truth when he said:

"America's battle is yet to fight, and she will have her own agony and her own victory, but on other terms than she is yet quite aware of."

Men and money my constituents would have me vote for this war; men and money I will unhesitatingly vote for it—all of both that Government may require. The State of Maine, one of whose Representatives in this Congress I have the honor to be, has already sent into the field sixteen thousand men—five hundred more than her quota of five hundred thousand which were thought requisite for this war. If you call for them she will as promptly and cheerfully furnish sixteen thousand more. But let not the war policy of the Cabinet be founded on the idea of pacification without conquest, and without disturbing slavery, the continued existence of which has been considered, we fear, an essential element of pacification, whether with or without conquest.

And do not ask us to believe that the end is to be the restoration of the Union with slavery intact. Let us at least cheer our hearts with the thought, the hope, that it may be otherwise; and that with the end of this war there will come the end of that which caused it, and which Mr. Rhett said, in the South Carolina Convention, "has been gathering head for thirty"—he might have said for more than thirty—"years." Confisca-

tion—emancipation, even! Do you tell me the people will not bear it? I do not comprehend how loyal men can help bearing what the Congress, in such a day of the nation's peril, may, in its wisdom, have the resolution to do.

I have somewhere read that on a medal struck by the city of Worms in 1617, there is represented a burning candle, standing upon an open Bible, with a serpent endeavoring to extinguish it, and a hand from the clouds pointing to it, and intimating that divine strength feeds the flame. One inscription on the medal is, "O Lord, let it shine on forever!"

It is divine strength which feeds the flame of the burning candle of liberty, so brightly ablaze, still supported by our Constitution; while the green and gilded serpent of slavery, in the shape of rebellion and secession, is endeavoring to twine its slimy folds about it to extinguish it. Do you assert that slavery is not this serpent? Be it what it may, then, in this we are agreed: we will strangle it to death. And may liberty, supported by the Constitution of our fathers, shine on forever!

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